

DESPAIRS OF FIGHT FOR GIBSON IN WILL CASE

Lawyer Sure Client Will Be Indicted for Murder Before Hearing Is Over.

OPPOSES ONLY FORMALLY

Robert H. Elder, Counsel in More Serious Charge, Says He Will Make Inquiry for Himself.

Burton W. Gibson's complication of various kinds of legal and criminal difficulties seemed to get into a deeper snarl than ever yesterday, with no one, not even his legal advisers, willing to express any optimistic view as to the final outcome. At the hearing before Surrogate Fowler on the application of the Austrian Consulate to remove Gibson as executor of Mrs. Szabo's will, the sole opposition to the application presented was on a point of jurisdiction, while it was admitted by his counsel, Chester Goldzier, that no effort would be made to combat the application on its merits.

It was also admitted by Mr. Goldzier, after his visit to Gibson in Goshen Thursday, that he felt sure an indictment for murder would be returned against Gibson in Orange County, even before the hearing before Judge Royce is completed. Mr. Goldzier made that statement in court in explaining his belief that it would be a long time before Gibson could appear in person to defend the action brought against him, and he made it still stronger afterward in speaking to a reporter.

"Why, the fellow actually has the nerve," he said, in telling of the frame of mind in which he found Gibson, "to profess to believe that he will be freed at the hearing on the murder charge to be held in Goshen. Why, there will be an indictment returned before the hearing comes off."

When the case was called T. T. Wells, for the consulate, based the application for removal on the grounds that Gibson had made false statements in regard to several material facts in his application for letters testamentary.

Technical Point Raised.

Mr. Goldzier said that he did not intend to defend the action on those points, but raised the technical point that the Surrogate's court had no jurisdiction to remove, inasmuch as the Austrian Consulate, in whose name the application was made, was not personally interested. He cited the section of the civil code which provides that only persons directly interested in an estate had a right to request the removal of an executor and that those directly interested meant "persons who were to share in the estate."

Mr. Goldzier therefore argued that the Austrian Consulate is not entitled to make the application.

Mr. Goldzier further announced that whether or not the court upheld his contention he would go into the merits of the case, in view of the fact that his client was under arrest charged with murder, nor would he try anything in the Surrogate's court until the homicide case was disposed of. Surrogate Fowler gave counsel until Tuesday to file briefs on the point of jurisdiction raised by Goldzier.

Mr. Goldzier also asked the court to treat as confidential a report he was ready to make for Gibson on what he had done with money belonging to the estate, but the Surrogate refused to agree to treat such information as confidential. Thereupon Mr. Goldzier refused to make the report. He said it would not be made until after the termination of the murder proceedings.

Robert H. Elder, whom Gibson has engaged to defend him in the murder proceedings, said last night that he did not care to disclose the line the defense would follow, as it would lay his hand open.

Elder Promises to Investigate.

"Many things have been said and printed in relation to the case and about Gibson that are untrue," he said. "I shall make an investigation as to whether there are evidences of strangulation in Mrs. Szabo's death and also in regard to the alleged bogus Mrs. Menschik, and other matters."

When asked what he would do if his investigation should convince him that the charges against Gibson were true, Mr. Elder replied that he would not put in a false defense for Gibson; whereupon he was asked if that meant he would withdraw from the case or advise Gibson to plead guilty.

"There is no need for a lawyer to withdraw so long as his client takes his advice," he said.

He added, when it was suggested that that seemed to imply that he would advise a plea of guilty: "Under our law a person cannot plead guilty to the crime with which Gibson is charged. The course a lawyer could take would be to see that at least his client is not convicted of what he was not guilty. I will not call medical examiners to come and testify that this woman was not strangled to death if my investigations prove that she was."

Mr. Elder declined to discuss the question of the two Mrs. Menschik whom Gibson has admitted he loved, presumably to get them to pose as the dead woman's mother. As to the Surrogate's court, he said that did not have a great bearing on the murder charge, as hearings there did not go deep enough to provide a motive for murder.

Mystery of Rosa Guerra.

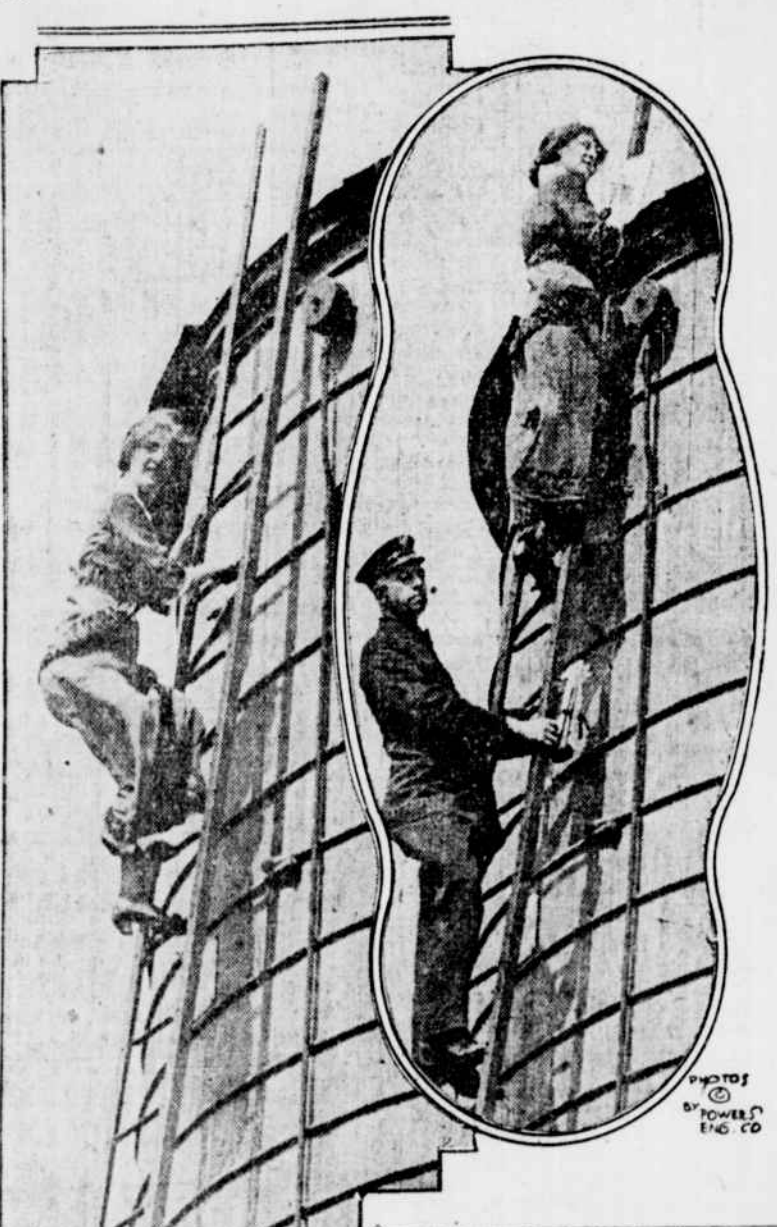
The whereabouts and identity of Rosa Guerra, whose name was brought out on Thursday in the Trainor case against Gibson, remained a complete mystery yesterday. Albert A. Wray, who represented Gibson in the Trainor case, declared that both he and Gibson were in total ignorance as to who the woman might be. Miss Montgomery, to whom it appeared in the action Rosa Guerra, on the advice of her counsel, Joseph L. Jones, assigned her claim against Trainor for the purpose of bringing suit, also said he was unacquainted with the woman and had never seen her.

Joseph L. Young, of No. 11 William street, admitted yesterday that he knew Rosa Guerra, and said her appearance did not agree with the pictures of Mrs. Szabo which he had seen in the newspapers.

Eugene Boyer, of No. 141 Broadway, counsel for Trainor, said yesterday that he did not care to be quoted about the case, referring all inquiries to the records on file. In those records it appears that Mr. Boyer made a determined effort to draw from Young the woman's address, but Young refused to divulge it, on the ground of personal privilege, as it was a confidential communication between client

THE NEW WOMAN, FIRE INSPECTOR AT WORK.

Mrs. Sarah W. H. Christopher climbing the ladder leading to the top of a water tank on a factory roof and inspecting its condition. A uniformed fireman accompanied her on her tour of inspection.



INSPECTRESS CLIMBS

Mounts Ladder to Measure Tank on Skyscraper.

GOING TO GET BLOOMERS

Mrs. Christopher's First Day as Fire Prevention Expert Hampered by Skirts.

and counsel. When Mr. Boyer put the question it was objected to by Wray, counsel for Gibson. The point was appealed, and Young was upheld in his refusal.

Mrs. Louise Maret, of No. 46 West 64th street, yesterday called on Mr. Kremer, counsel for the Austrian Consulate, and made affidavit that Mrs. Szabo once told her that Gibson had tipped her out of a boat and came near drowning her, but she was going out with him again, and that he might drown her that again. She also told how Gibson went to Mrs. Szabo's flat after the drowning, saying she had gone to Chicago, and stripped her rooms of everything, even borrowing a screwdriver to take off a Yale lock on the outer door.

[By Telegram to the Tribune.]

Goshen, N. Y., Sept. 20.—The grand jury to serve at the October term which will be presided over by Justice Morschauer, of Poughkeepsie, was drawn at the Sheriff's office here today. The case of Burton W. Gibson will be considered by these jurors if he is held by Judge Royce, of Middletown, after the examination that opens September 20, at Goshen.

Answering letters and reading medical books occupied the time of Burton W. Gibson today. In the county jail. No visitors outside of the newspaper men called. His attorneys, Charles Goldzier and Robert H. Elder, and perhaps Mrs. Gibson, will visit him Sunday.

AUSTRALIA ADMIRES U. S.

Enthusiastic Over America, Says Sir George H. Reid.

Sir George H. Reid, High Commissioner of Australia and formerly its Premier, was the guest of the Merchants' Association at luncheon yesterday at the University Club. In an address he remarked that not only was Australia's trade with the United States large, but that in Australia they had feelings of the most genuine affection and admiration for the people of the United States.

"We had only one opportunity of really showing how we felt," said Sir George, "and that was several years ago, when the American warships visited Australia. There never was, I think, a wilder demonstration of enthusiasm in Australia. Some who beheld the abandonment of enthusiasm thought it meant that our feelings for Great Britain were not so strong as had been supposed. The loyalty of the people for the mother country was never so great, however, never so intense as it is today. But we have no reservations in our feelings about the people of the United States. We have every admiration for those noble colonists who, resisting not the British people, but resisting the evil councils of one or two misguided men in power, who did not represent the genius or the feelings of the people, achieved their own independence."

Other speakers were John J. Broderick, British acting Consul General; J. A. Stewart, chairman of the executive committee of the National Committee on the Celebration of the One Hundredth Anniversary of Peace Among English Speaking Peoples; Charles H. Strong, president of the City Club, and Albert Phair and Professor Joseph E. Johnson, of New York University.

GUTTERS RUN WITH WHISKEY

Hundreds of Gallons Destroyed in Dry Indiana Town.

Petersburg, Ind., Sept. 20.—Hundreds of gallons of whiskey were poured into the streets here this afternoon, when revenue officers raided three alleged "blind tigers." More than a dozen loads of demijohns and barrels containing liquor were hauled to the public square and the containers broken open and the whiskey poured into the gutter.

Petersburg is a "dry" town. A large crowd followed the raiders from one place to another and watched them destroy the liquor.

IS TABLE A TRUST'S LAIR?

Untermyer Tries to Show Oil Luncheons Still Go On.

CROWD ABOUT THE SAME

In Good Old Days Midday Gatherings Resounded with Hilarity, Secretary Testifies.

A long table at which John D. Archbold, Percy Rockefeller, J. A. Moffett, A. C. Bedford, H. C. Folger, Jr., H. L. Pratt, Walter Jennings, W. C. Teagles and Mr. Elliott, the chief counsel, were accustomed to sit with other high men of the old Standard Oil Company of New Jersey, was one of the subjects talked about yesterday at the Standard Oil hearing of a suit brought by the Waters-Pierce people to keep their company out of the grasp of the old Standard Oil crowd.

Samuel Untermyer, counsel for the plaintiffs, tried to get Richard C. Veit to admit that the same crowd still sat at the big table and regaled Standard Oil in the same old way. The table is one of four in a luncheon room at No. 15 Broadway.

Mr. Veit, who is secretary of the Standard Oil Company of New York, testified that thirty of the trust chiefs used to sit about and lunch and joke.

"Don't the same men meet there now?" asked Mr. Untermyer.

"No, they have changed quite a little," answered the witness.

But he could mention only one man who is not present nowadays—Theodore H. Foulke, D. M. Kirby, the old trust's attorney, objected to the line of questioning, saying that such questions were irrelevant and unwarranted and made only for the purpose of delaying the hearing. This nettled Mr. Untermyer, who said:

"These questions are entirely proper and made for the purpose of showing what a perfect sham and humbug this pretended 'dissolution' was. They show that these men meet today at that lunch table and talk over the affairs of the subsidiary companies of the Standard Oil just as they did before December, 1911. No more material evidence has been brought out in this hearing. It is evidence which I think no court will be blind to misunderstand."

Mr. Veit said he did not occupy a seat at the favored table, but could hear the laughter. At first he said business was not discussed, but when Mr. Untermyer asked him if he knew it to be a fact that the men at the table did not talk about their affairs at luncheon he changed his answer and said he did not know. He said that young John D. Rockefeller sat at the officers' table, as it was called, and so did H. H. Rogers before his death.

There was a good deal of testimony about the boat service of the various Standard companies. Mr. Veit said each company operated its own service and charged other companies for lighterage. He said the New York company was building six steamers and eight or nine barges and the Jersey company a very large fleet in Germany, all for foreign service.

H. L. Pratt, vice-president and a director of the New York company, was examined in respect to the reorganization committee which had the Waters-Pierce company in charge.

"The bonds of the Security Oil Company of Texas," he said, "which was formed six or seven years ago, were held by the London Trading and Investment Company. This company was succeeded by the American Petroleum Company, a London organization, which owed considerable money to the Standard Oil Company of New York. The American Petroleum Company turned over these bonds to the Standard Oil Company of New York in payment of the debt. The Magnolia Petroleum Company was organized to succeed the Security Oil Company. The bonds were transferred to the Magnolia company, and Blair & Co. bought the whole issue in April of this year."

"Did Blair & Co. pay cash for the bonds?" asked S. W. Fordyce, Jr., counsel for the Waters-Pierce company.

"Yes," replied Mr. Pratt, "and the Standard Oil Company of New York now holds no bonds of the Magnolia Petroleum Company."

Mr. Pratt said the bonds of the Security concern to the amount of \$2,000,000 were exchanged or substituted for Magnolia bonds on such terms that the indebtedness and interest were wiped out.

BUYS ELECTRIC BONDS

Morgan Firm Takes \$10,000,000 Debentures.

The General Electric Company has sold to J. P. Morgan & Co. \$10,000,000 5 per cent. debenture bonds, part of the \$20,000,000 authorized issue created in July, when the 30 per cent stock dividend was declared, increasing the authorized capital stock from \$80,000,000 to \$100,000,000.

The proceeds of the \$10,000,000 debentures will be used as additional working capital. The net working balance of December 31 last was about \$60,000,000, so that the company would seem not to be in immediate need of more working capital; but the volume of business is increasing rapidly, the gross sales being so far this year at the rate of \$30,000,000 for the twelve months, against a little more than \$20,000,000 last year, and it is the policy of the General Electric Company to maintain a very large working capital and a generous cash balance and to incur no floating debt.

BUSINESS TROUBLES.

The following petitions in bankruptcy were filed yesterday:

JOHN H. WALKER, manufacturer of paper, with offices at No. 231 Broadway, with mill at Elmira, N. Y., involuntary. Creditors: Lyman B. Garfield, \$6,028; Post Vint, \$19; E. M. Sergeant Company, \$1,475; Loman B. Garfield, \$1,000; Assets, \$200,000; Liabilities, \$70,000.

JACOB BROWN, trading as Brown & Co., manufacturer of suitcases and dresses, No. 44 East 14th street, involuntary. Creditors: Robert A. Nathan, \$347; S. J. Aronson, Inc., \$2,200; Abraham D. Cohen, \$1,000; J. A. Nathan, receiver. Assets, \$37,000; Liabilities, \$17,000.

THE MACHSON RICHMOND DAIRY COMPANY, No. 612 East 9th street, and against Edward and Nathan Machson, who did business as Machson Brothers, grocers, No. 88 Stanton street, involuntary. Creditors: The Licht, \$50; Isidor Klar, \$500; and Charles Klar, \$50. Assets, \$1,000; Liabilities, \$1,000.

ROSA HERBERG, who did business as the Manhattan Wine and Liquor Company, No. 742 Columbus avenue, involuntary. Creditors: Dryfoos, Blum & Co., \$320; The National Distributing Company, \$175; Albert Krumenacker, \$100.

NATHAN COHEN, manufacturer of furs, Nos. 125 and 140 West 25th street. Creditors: Chaffin & Holroyd, \$100; Jacob Clark, \$125; E. Adman, \$63. Liabilities, \$100,000; Assets, \$2,000.

THE M. A. THOMAS COMPANY, dealers in shoes, No. 949 Broadway, involuntary. Creditors: Condon Bros. & Co., \$500; The Field Holmes Company, \$100; The Metropolitan Shoe Company, \$35; Robert S. Conklin, receiver. Assets, \$1,000; Liabilities, \$12,000; No assets.

MAY SUE STANDARD OIL

Government Eagerly Watches Waters-Pierce Litigation.

CONTEMPT ACTION POSSIBLE

Department of Justice Determined That Dissolution Decree Shall Be Obeyed.

[From The Tribune Bureau.]

Washington, Sept. 20.—Contempt of court proceedings against the Standard Oil Company officials may result from the suit of the corporation against the Waters-Pierce company, as the Department of Justice is closely watching the action to determine whether the dissolution and injunction decree of the United States Supreme Court has been obeyed.

It was admitted today by James A. Fowler, assistant to the Attorney General and now acting Attorney General, that the Department of Justice has had an official present at the proceedings before Referee A. L. Jacobs in New York City for the sole purpose of ascertaining whether the Standard Oil Company has kept faith and followed the plan of disintegration of the corporation as laid down by the Supreme Court.

If the contention of the Waters-Pierce people is upheld it is admitted by officials of the Department of Justice that there would be real grounds for contempt of court proceedings. Even though the full contentment of the onetime principal subsidiary of the Standard should not hold in the present litigation, it is pointed out that there is a possibility of evidence being obtained that would be damaging in a contempt action.

A transcript of the testimony in the litigation between the two companies will be obtained by the Department of Justice for investigation. United States Attorney Wise, of New York, also has been instructed to watch the proceedings closely.

No Dissolution, They Say.

Attorneys for the Waters-Pierce company claim there has been no real dissolution of the Standard Oil or there would be no legal fight between the two corporations over the stock.

Violations of the dissolution and injunction decree of the United States Supreme Court carries with it the penalty of a fine or imprisonment.

While no general attack on the Standard Oil and its former subsidiaries is contemplated at the present time, the government has received specific complaints relating to conditions in certain communities. The investigation of these allegations is necessarily localized. The result of one of these inquiries, for instance, was the indictment of John D. Archbold and other Standard Oil magnates at Dallas, Tex., on August 23. In that case the charge was that the Standard Oil was endeavoring to control the oil business in Texas. Since then another inquiry has been started in a different part of the country, but still of a similar legal character.

Attorney General Wickersham is giving these important questions his personal consideration. He is directing the investigations and reviewing the testimony in the Waters-Pierce suit.

This is the situation at the present time, and the ultimate outcome is problematical. Officials here were emphatic in their declarations that there had been nothing so far in the investigations of the Department of Justice to warrant criminal proceedings other than the indictments returned at Dallas. They were careful to add, however, that no one could tell what might be developed by the matters now pending in the courts or in course of investigation. The interest of the Attorney General is particularly intense, they point out, because the federal government is the only power that can institute contempt proceedings for the alleged violation of a court's decree.

Taft Confident of Success.

President Taft and Attorney General Wickersham have expressed the belief that the decrees in both the oil and tobacco cases generally were working well. They have contended that while ruinous competition had not been reintroduced into the business, the decrees had affected certain prices in such a way as to show the presence of real competition. The disintegrations were not expected by them to result in radical changes in the business. They believed it might take years to demonstrate all the benefits of the disintegrations.

Because of the specific limitations surrounding the disintegrations companies by virtue of the decrees, both the President and his Attorney General have insisted that a resumption of the old combination would be impossible. If, on the other hand, experience should show, despite their convictions, that the decrees were inadequate, the question could be reopened in the courts and full opportunity, in their judgment, afforded to supply the defects.

The government at this time, it is indicated, is keenly on the alert not only to detect any resumption of the old combinations dissolved by the Supreme Court but any form of monopolies in those industries.

HARVESTER SUIT HELD 'IP

Counsel's Illness Delays Hearing of Trust Oase.

Chicago, Sept. 20.—The taking of testimony in the government's suit for the dissolution of the International Harvester Company was postponed today until October 2. Counsel for the defendants stated one of the company's attorneys was ill and another was in California and that it was impossible to get new counsel familiar with the case.

After the Harvester Company produced under subpoena the minutes of its stockholders' meetings from 1902, when the government charged the alleged trust was formed, until 1907, Edwin P. Grosvenor, special assistant attorney general, had read a stipulation, in which it was agreed that "during the period covered by the minutes George W. Perkins, Cyrus H. McCormick and Charles Deering were joint owners of all the shares of the capital stock of the International Harvester Company, excepting such few shares as were necessarily held by the other fifteen directors of the International Harvester Company in order to qualify them under the laws of the State of New Jersey to be directors, no director holding for subscription purposes at any time more than one or two shares."

It also was admitted that at each of the meetings of stockholders the block of stock owned jointly by the three persons above named was represented by one proxy for all three joint owners, which proxy cast in one vote the votes of all the certificates of stock which made up the block of stock as jointly held.

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HYGIENE CONGRESS SPEAKERS

12 Health Department Physicians to Deliver Addresses in Washington.

Twelve physicians associated with the Department of Health are scheduled to deliver addresses before the Fifteenth International Congress on Hygiene and Demography, in Washington.

Health Commissioner Lederle will present a paper on "The Sanitary Control of Local Milk Supplies Through Local Official Agencies."

Dr. A. Sophian, who was sent to Dallas, Tex., last year, to assist in the curbing of a serious cerebro-spinal meningitis epidemic there, will speak on "Sanitary Measures Against Cerebro-spinal Meningitis." Among others who are expected to speak are Dr. William H. Parks, head of the research laboratory; Dr. John J. Cronin, Dr. A. Williams, Dr. Daniel W. Poor, Dr. Charles Krumboltz, Jr., Dr. Charles Herrman, and Dr. Alva H. Doty.

Dr. S. Josephine Baker and Dr. Edna Steinhardt are the department's two women representatives who will speak at the congress.

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